

[Page 1]

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----x

MOHAMMED MANSOUR and MARK MOSES,

PLAINTIFF(s),

Civil Action No. 1:13-cv-02443

-against-

ASHLEY FURNITURE HOME STORE,

DEFENDANT(s).

-----x

DATE: November 14, 2014

TIME: 10:14 A.M.

DEPOSITION of the Defendant,
INTERNATIONAL SHOPPES, LLC, by a Witness,
SALVATORE SCIARRINO, taken by the Plaintiff, held
at the offices of ARCHER & GREINER, P.C., 21 Main
Street, West Wing, Hackensack, New Jersey 07601,
before Anna Buonsanto, a Notary Public of the
State of New Jersey.

| | |
|---|--|
| <p>1 APPEARANCES:</p> <p>2 THE OTTINGER FIRM, P.C. 3 Attorneys for the Plaintiff 4 RAMON MANSOUR 5 401 Park Avenue South 6 New York, New York 10016 7 BY: GEORGE VALLAS, ESQ.</p> <p>8 ARCHER & GREINER, P.C. 9 Attorneys for the Defendant INTERNATIONAL SHOPPES, LLC 10 21 Main Street, West Wing Hackensack, New Jersey 07601 11 BY: STEVEN B. HARZ, ESQ.</p> <p>12</p> <p>13 ALSO PRESENT:</p> <p>14 MOHAMMED MANSOUR</p> <p>15</p> <p>16</p> <p>17 * * *</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 Do you understand that you were just 2 sworn in by a Court Reporter?</p> <p>3 A. Yes.</p> <p>4 Q. That your testimony today is under oath?</p> <p>5 A. Yes.</p> <p>6 Q. Even though it has a slightly more 7 informal setting, it has the same force and 8 effect as though you were giving it in a court of 9 law?</p> <p>10 A. Yes.</p> <p>11 Q. The Court Reporter is here to take down 12 both my questions and your answers. For the sake 13 of her sanity, I ask that before you answer my 14 question, you allow me to finish it completely so 15 she doesn't have to transcribe people talking 16 over one another; is that okay?</p> <p>17 A. That's fine.</p> <p>18 Q. If you answer a question, I will assume 19 that you understood it. If you do not understand 20 a question or don't hear me, please feel free to 21 ask me to rephrase; is that okay?</p> <p>22 A. Yes.</p> <p>23 Q. We can take as many breaks for as long 24 as you would like. The only thing that I ask is 25 if you would like to take a break and there's a</p> |
|---|--|

[Page 2]

[Page 4]

| | |
|--|--|
| <p>1 S A L V A T O R E S C I A R R I N O, called as 2 a witness, having been first duly sworn by a 3 Notary Public of the State of New Jersey, was 4 examined and testified as follows:</p> <p>5 EXAMINATION BY</p> <p>6 MR. VALLAS:</p> <p>7 Q. Please state your name for the record.</p> <p>8 A. Salvatore Sciarrino.</p> <p>9 Q. What is your address?</p> <p>10 A. 2071 East 72nd Street, Brooklyn, New 11 York 11234.</p> <p>12 Q. Good morning, Mr. Sciarrino. My name is 13 George Vallas. I represent Mohammed Mansour and 14 Mark Moses in a lawsuit they filed against 15 Factory Direct of Secaucus, LLC, doing business 16 as Ashley Furniture Home Store.</p> <p>17 For the sake of convenience, I'm going 18 to refer to the defendant as Ashley; is that 19 okay?</p> <p>20 A. Okay.</p> <p>21 Q. Mr. Sciarrino, have you ever been 22 deposed before?</p> <p>23 A. No.</p> <p>24 Q. I would like to begin by going over some 25 preliminary issues.</p> | <p>1 pending question, you answer before you break. 2 Unless you want to talk to your attorney about 3 something having to do with privilege; is that 4 okay?</p> <p>5 A. That's fine.</p> <p>6 Q. Do you understand that you're 7 represented by an attorney today?</p> <p>8 A. Yes.</p> <p>9 Q. I don't want to know anything that you 10 said to your attorney or your attorney said to 11 you, but did you do anything today to prepare for 12 today's deposition?</p> <p>13 A. What means prepare?</p> <p>14 Q. Did you meet with anybody about today's 15 deposition?</p> <p>16 A. Have I met with anyone, yes.</p> <p>17 Q. Who did you meet with?</p> <p>18 A. My attorney.</p> <p>19 Q. Did you review any documents?</p> <p>20 MR. HARZ: Note my objection as it 21 relates to attorney/client privilege.</p> <p>22 Q. You can answer, Mr. Sciarrino, but 23 again, don't tell me anything that you told your 24 attorneys or that your attorneys told you. I'm 25 not interested in that.</p> |
|--|--|

[Page 3]

[Page 5]

[2] (Pages 2 to 5)

| | |
|--|---|
| <p>1 MR. HARZ: I showed him documents.</p> <p>2 MR. VALLAS: I don't think the</p> <p>3 documents themselves are privileged.</p> <p>4 MR. HARZ: They are when they're</p> <p>5 work product. They are in fact when</p> <p>6 they are a work product.</p> <p>7 MR. VALLAS: We'll disagree about</p> <p>8 that. I withdraw the question.</p> <p>9 Q. Did you speak with anybody else before</p> <p>10 today's deposition?</p> <p>11 A. No.</p> <p>12 Q. What's your date of birth?</p> <p>13 A. 5/1, 1968.</p> <p>14 Q. Did you go to high school?</p> <p>15 A. Yes.</p> <p>16 Q. When did you graduate from high school?</p> <p>17 A. I believe it was 1987.</p> <p>18 Q. Did you attend college?</p> <p>19 A. No, I did not.</p> <p>20 Q. Mr. Sciarrino, are you on any medication</p> <p>21 today that might affect your ability to answer my</p> <p>22 questions fully or truthfully?</p> <p>23 A. No.</p> <p>24 Q. Are you sick at all today?</p> <p>25 A. No.</p> | <p>1 A. For about two years.</p> <p>2 Q. What was your first position at Ashley?</p> <p>3 A. Sales manager.</p> <p>4 Q. Did you hold that position throughout</p> <p>5 your employment there?</p> <p>6 A. Yes.</p> <p>7 Q. How did you come to work for Ashley?</p> <p>8 A. I had previously worked for Levitz,</p> <p>9 which the current upper management also worked</p> <p>10 there.</p> <p>11 Q. Is Levitz a furniture store?</p> <p>12 A. It was a furniture store, yes.</p> <p>13 Q. When you say the current upper</p> <p>14 management of Ashley also worked there, who are</p> <p>15 you referring to?</p> <p>16 A. To Mark Scott.</p> <p>17 Q. When did you work at Levitz?</p> <p>18 A. That had to be around 2009.</p> <p>19 Q. How long have you known Mr. Scott?</p> <p>20 A. Probable about twelve years.</p> <p>21 Q. How did you first meet Mr. Scott?</p> <p>22 A. I first worked for Seaman's.</p> <p>23 Q. Was Mr. Scott also employed at Seaman's?</p> <p>24 A. Yes.</p> <p>25 Q. What was your role at Seaman's?</p> |
|--|---|

[Page 6]

[Page 8]

| | |
|---|---|
| <p>1 Q. Is there any other reason you can think</p> <p>2 of why you won't be able to answer my questions</p> <p>3 fully and truthfully?</p> <p>4 A. No.</p> <p>5 Q. Are you currently employed by Ashley?</p> <p>6 A. No.</p> <p>7 Q. Were you at one time employed by Ashley?</p> <p>8 A. Yes.</p> <p>9 Q. When did you begin your employment with</p> <p>10 Ashley?</p> <p>11 A. I believe it was 2010.</p> <p>12 Q. When did you separate from Ashley?</p> <p>13 A. May of 2013 and then --</p> <p>14 Q. I didn't hear that last --</p> <p>15 A. I believe it was May of 2013.</p> <p>16 Q. Are you currently employed?</p> <p>17 A. Am I currently employed, yes.</p> <p>18 Q. Where are you currently employed?</p> <p>19 A. I own my own business.</p> <p>20 Q. Have you done that since 2013?</p> <p>21 A. Yes.</p> <p>22 Q. Prior to joining Ashley, what was your</p> <p>23 previous position?</p> <p>24 A. I was a sales manager at Huffman Koos.</p> <p>25 Q. How long did you hold that position?</p> | <p>1 A. Sales manager.</p> <p>2 Q. What years did you work at Seaman's?</p> <p>3 A. That had to be around 2000.</p> <p>4 Q. 2000 until roughly when?</p> <p>5 A. About two years.</p> <p>6 Q. What was Mr. Scott's role at Seaman's?</p> <p>7 A. I believe he was the vice president of</p> <p>8 operations.</p> <p>9 (Interruption.)</p> <p>10 Q. If you want to --</p> <p>11 A. That's okay.</p> <p>12 Q. Did Mr. Scott have any role in bringing</p> <p>13 you to Levitz?</p> <p>14 A. Yes.</p> <p>15 Q. What was that?</p> <p>16 A. He recruited me to come work there.</p> <p>17 Q. How did you come to leave Levitz?</p> <p>18 A. It went out of business.</p> <p>19 Q. What was Mr. Scott's role in bringing</p> <p>20 you to Ashley?</p> <p>21 A. He actively recruited me.</p> <p>22 Q. Who interviewed you?</p> <p>23 A. Jerry Cook.</p> <p>24 Q. Do you know Mr. Cook's title?</p> <p>25 A. I believe --</p> |
|---|---|

[Page 7]

[Page 9]

[3] (Pages 6 to 9)

| | |
|---|--|
| <p>1 Q. Withdraw it. At the time you were 2 interviewed, do you know what Mr. Cook's title 3 was? 4 A. Yes. 5 Q. What was that? 6 A. Director of sales. 7 Q. Did you interview with anybody else? 8 A. No. 9 Q. Who offered you the job at Ashley's? 10 A. Mr. Cook. 11 Q. When you first began working at Ashley, 12 was there an orientation process? 13 A. Yes. 14 Q. What did that entail? 15 A. It was a two-week training period. 16 Q. In connection with that training period, 17 did you receive training on HR policies? 18 A. There was a portion, yes. 19 Q. Do you remember how long that lasted? 20 A. I think it was a couple of hours. 21 Q. Do you remember who gave that training? 22 A. I believe her name was Christine 23 Pascarella (phonetic). 24 Q. Do you remember what her title was? 25 A. I believe she was HR manager.</p> | <p>1 I specify otherwise, it will be at Ashley. 2 A. Okay. 3 Q. Can you tell me what your role entailed 4 as sales manager at Ashley? 5 A. Role entailed motivating the team, 6 having daily sales meetings, reporting goals, 7 plans, taking TOs from salespeople, overseeing 8 opening and closing of the store. 9 Q. What's a TO? 10 A. Turnover. 11 Q. What is involved with the turnover? 12 A. When a salesperson takes his customer, 13 talks to the customer, if he cannot close the 14 deal, he would get one of the sales manager to 15 come in to see if they could help close the sale. 16 Q. As a sales manager, did you supervise 17 any employees? 18 A. Yes. 19 Q. How many employees did you supervise 20 roughly? 21 A. Roughly about thirty. 22 Q. Did you have authority to hire? 23 A. No, I did not. 24 Q. Did you have authority to fire any of 25 your employees?</p> |
|---|--|

[Page 10]

[Page 12]

| | |
|--|---|
| <p>1 Q. In connection with that training, did 2 you receive instruction on harassment policies? 3 A. I'm sorry, I don't understand the 4 question. 5 Q. Are you aware of whether or not Ashley 6 maintains any policy prohibiting harassment in 7 the workplace? 8 A. Yes, there was a section in that. 9 Q. You were trained on that during your 10 orientation? 11 A. Yes. 12 Q. Did you receive any training on 13 anti-discrimination policies? 14 A. Yes. 15 Q. Did you receive any training on how to 16 report complaints of harassment or 17 discrimination? 18 A. Yes. 19 Q. Can you describe to me what your role 20 was as sales manager? 21 MR. HARZ: At Ashley? 22 Q. Excuse me, that's actually a useful 23 clarification. At Ashley and for the sake of 24 clarity going forward, whenever I ask you a 25 question about your job responsibilities, unless</p> | <p>1 A. No, I did not. 2 Q. Did you have the authority to discipline 3 any employees? 4 A. Clarify what you mean by discipline. 5 Q. I can clarify. Did Ashley have formal 6 procedures for disciplining employees short of 7 termination? 8 A. Yes. 9 Q. Are you familiar with whether or not 10 those procedures were divided into different 11 levels of discipline? 12 A. There were three levels of discipline. 13 Q. What were those levels? 14 A. The first one would be a verbal. The 15 second one would be a written. The final one 16 would be possible separation. 17 Q. As a sales manager, did you have the 18 authority to take verbal action against an 19 employee? 20 A. Well, I would also reach out to HR on 21 any type of discipline. 22 Q. Would the purpose of your reaching out 23 to HR be for input and advice or would it be for 24 direction? 25 A. No, it would be for direction.</p> |
|--|---|

[Page 11]

[Page 13]

[4] (Pages 10 to 13)

| | |
|---|---|
| <p>1 Q. That's true of verbal discipline?</p> <p>2 A. Yes.</p> <p>3 Q. As sales manager at Ashley, were you</p> <p>4 responsible for fielding complaints of harassment</p> <p>5 or discrimination?</p> <p>6 A. In what terms do you mean responsible?</p> <p>7 Q. That was a poor question.</p> <p>8 Would employees under your supervision</p> <p>9 ever make complaints to you that they were being</p> <p>10 harassed or retaliated against in the workplace?</p> <p>11 A. They would either go to me or HR or the</p> <p>12 other sales manager as well.</p> <p>13 Q. Who was the other sales manager when you</p> <p>14 first started?</p> <p>15 A. When I first started.</p> <p>16 Q. In 2010?</p> <p>17 A. It was Fernando. I can't recall his</p> <p>18 last name.</p> <p>19 Q. Throughout your employment at Ashley,</p> <p>20 was there ever more than two sales managers?</p> <p>21 A. At one time there was three. There was</p> <p>22 also a selling manager.</p> <p>23 Q. How long was Fernando a sales manager?</p> <p>24 A. He was there when I got there. I</p> <p>25 couldn't really --</p> | <p>1 Mr. Mansour's employment as sales manager?</p> <p>2 A. It had to be -- I'm not one hundred</p> <p>3 percent sure.</p> <p>4 Q. Moving back to complaints. If an</p> <p>5 employee under your supervision were to make a</p> <p>6 complaint about harassment or discrimination to</p> <p>7 you, how would you respond?</p> <p>8 A. I would take it to the HR manager.</p> <p>9 Q. Did you receive any training from Ashley</p> <p>10 on handling complaints of harassment or</p> <p>11 discrimination?</p> <p>12 A. We did in the two-week training.</p> <p>13 Q. What was Ashley's policies for</p> <p>14 complaints made to a manager or to a non HR</p> <p>15 employee?</p> <p>16 A. It was to be brought to upper</p> <p>17 management.</p> <p>18 Q. As a sales manager at Ashley, were you</p> <p>19 responsible for investigating allegations of</p> <p>20 theft?</p> <p>21 A. Any type of theft again would be brought</p> <p>22 to the HR, if there was any allegations or</p> <p>23 suspicions or anything like that.</p> <p>24 Q. Sticking for a moment with allegations</p> <p>25 of theft, once it was brought to HR, would HR</p> |
|---|---|

[Page 14]

[Page 16]

| | |
|---|--|
| <p>1 MR. HARZ: If you know, answer. If</p> <p>2 you don't know.</p> <p>3 A. I wouldn't know that.</p> <p>4 Q. When did he leave?</p> <p>5 A. I can't recall the exact date when he</p> <p>6 left.</p> <p>7 Q. Following Fernando, do you remember who</p> <p>8 was the sales manager?</p> <p>9 A. I believe it was a gentleman named</p> <p>10 Victor.</p> <p>11 Q. Do you remember the dates of Victor's</p> <p>12 employment as sales manager?</p> <p>13 A. No, I do not.</p> <p>14 Q. Following Victor?</p> <p>15 A. Following Victor was a gentleman by the</p> <p>16 name of Neil.</p> <p>17 Q. Do you remember the dates of Neil's</p> <p>18 employment as sales manager?</p> <p>19 A. No, not exactly.</p> <p>20 Q. Following Neil?</p> <p>21 A. Following Neil was Mohammed.</p> <p>22 Q. Do you remember the dates -- by</p> <p>23 Mohammed, are you referencing Mohammed Mansour?</p> <p>24 A. Yes.</p> <p>25 Q. Do you remember the dates of</p> | <p>1 launch an investigation?</p> <p>2 A. Yes.</p> <p>3 Q. Would you have a role in that</p> <p>4 investigation?</p> <p>5 A. No.</p> <p>6 Q. Moving back to complaints of harassment</p> <p>7 or discrimination, would HR launch an</p> <p>8 investigation of those complaints?</p> <p>9 A. Yes.</p> <p>10 Q. Would you have any role in that</p> <p>11 investigation?</p> <p>12 A. No.</p> <p>13 Q. Are you aware of a complaint of</p> <p>14 harassment that was brought by an employee named</p> <p>15 Mindy Hong?</p> <p>16 A. Yes.</p> <p>17 Q. Was that complaint made to you?</p> <p>18 A. No.</p> <p>19 Q. Do you know who that complaint was made</p> <p>20 to?</p> <p>21 A. It was made to Mr. Mansour.</p> <p>22 Q. How did you become aware of it?</p> <p>23 MR. HARZ: I'm going to object to</p> <p>24 the relevance of this matter for the</p> <p>25 record.</p> |
|---|--|

[Page 15]

[Page 17]

[5] (Pages 14 to 17)

| | |
|---|---|
| <p>1 Q. You can answer, Mr. Sciarrino. 2 A. Again, what was the question? How was 3 it made, is that what you're asking? 4 Q. I believe the question is how did you 5 become aware of the complaint? 6 A. Mr. Mansour called me. 7 Q. What did he say? 8 A. That there were allegations of improper 9 behavior. 10 Q. Do you remember what they were 11 specifically? 12 A. No. 13 Q. What did you say to Mr. Mansour in 14 response? 15 A. I directed him to get HR involved. 16 Q. Did you follow up to see if he had done 17 so? 18 A. HR then contacted me about it. 19 Q. Do you remember who? 20 A. Aazeo Bautista. 21 MR. VALLAS: For the Court Reporter, 22 that's actually A-A-Z-E-O. 23 Q. Do you know why Ms. Bautista contacted 24 you? 25 A. To follow up with the report that</p> | <p>1 You said alongside. Do you mean 2 physically? Do you mean at the same 3 time? 4 MR. VALLAS: I mean at the same 5 time. 6 Q. You think you testified earlier, if this 7 is correct, Mr. Sciarrino, that there would be 8 two sales managers at a given time at least at 9 Ashley's; is that correct? 10 A. Yes. 11 Q. At some time Mr. Mansour was sales 12 manager simultaneously with you? 13 A. Yes. 14 Q. Do you remember approximately when that 15 started? 16 MR. HARZ: Objection, again, to the 17 form of the question. When you say that 18 started, if you understand what he's 19 referring to, you can answer. 20 A. It started -- 21 MR. HARZ: Only if you understand 22 the question. 23 A. What does exactly started -- 24 Q. Do you remember when Mr. Mansour started 25 working as sales manager at Ashley?</p> |
| [Page 18] | [Page 20] |

| | |
|---|--|
| <p>1 Mr. Mansour had given her. 2 Q. Do you remember what she said to 3 Ms. Bautista? 4 A. I wasn't in the building when the report 5 and the allegations were made. So, I was not 6 privy to anything within that, you know. 7 Q. Did you have any further role in that 8 investigation? 9 A. No. 10 Q. Do you know what the outcome of that 11 investigation was? 12 A. Yes. 13 Q. What was that? 14 A. Song was given an option to either stay 15 in the store she was in or move to a new store. 16 Q. You testified a moment ago that you were 17 sales manager alongside Mr. Mansour; do you 18 remember how long? 19 MR. HARZ: Objection to the form of 20 the question. You can answer, if you 21 know what he means. 22 Q. Do you remember how long you were sales 23 manager with Mr. Mansour? 24 A. It was I believe -- 25 MR. HARZ: I object to the question.</p> | <p>1 A. I believe after he was a salesman in 2 Paramus for about six months. 3 Q. Was he a salesman at an Ashley location 4 in Paramus? 5 A. Yes. 6 Q. Do you remember the year? 7 A. Not off the top of my head, no. 8 Q. Did sales managers receive separate 9 training from other Ashley employees, separate 10 managerial training? 11 A. Sales -- no. 12 Q. Were you a supervisor of Mr. Mansour 13 when he began working as a sales manager at 14 Ashley? 15 A. I was the senior sales manager, yes. 16 Q. Would you have any supervisory 17 responsibility over Mr. Mansour? 18 A. We had both the same responsibilities 19 within the building. 20 Q. Was there any significance to the fact 21 that you were the senior sales manager? 22 A. No. 23 Q. Did you have a personal relationship 24 with Mr. Mansour? 25 A. Yes.</p> |
| [Page 19] | [Page 21] |

[6] (Pages 18 to 21)

| | |
|--|--|
| <p>1 Q. Did you know Mr. Mansour prior to the 2 commencement of his role as sales manager? 3 A. No. 4 Q. About how soon after he started working 5 as sales manager did you develop a personal 6 relationship? 7 A. Within ninety days, sixty to ninety days 8 we developed a very good rapport amongst each 9 other. 10 Q. Can you describe to me the nature of 11 that relationship? 12 A. We had a very open relationship. We 13 spoke about each other's families. I would say 14 we were brothers. 15 We spoke about each other's kids. We 16 went out to eat. We went to meetings together. 17 Q. Did you associate with Mr. Mansour in 18 social settings? 19 A. Yes. 20 Q. About how often? 21 A. It would really depend on, you know, 22 quite a few times. 23 Q. Are you aware of Mr. Mansour's religious 24 background? 25 A. Yes.</p> | <p>1 A. No. 2 Q. Did you ever witness him making book 3 recommendations to anyone else? 4 A. No. 5 Q. Are you aware of Mr. Mansour's national 6 origin? 7 A. I don't understand the question. 8 Q. Do you know where Mr. Mansour is from? 9 A. Yes. 10 Q. Where is that? 11 A. Palestine. 12 Q. How did you know that? 13 A. He told me. 14 Moving back to some of your discussion 15 with Mr. Mansour about religion. Did you ever 16 have banter with Mr. Mansour about religion? 17 A. I don't understand the question. 18 Q. Would you ever make jokes with 19 Mr. Mansour about his religious faith? 20 A. In what content? 21 Q. Did you ever refer to Mr. Mansour as a 22 terrorist? 23 A. He called me a guinea, a mobster. We 24 joked often with each other. We had a brotherly 25 relationship.</p> |
| [Page 22] | [Page 24] |

| | |
|--|---|
| <p>1 Q. What is his faith? 2 A. Muslim. 3 Q. How do you know that? 4 A. We spoke about it, that I was a 5 christian, he was a Muslim. We spoke about 6 religion. 7 Q. Did you speak about religion with 8 anybody else at Ashley? 9 A. We had conversations. 10 Q. When you say "we", are you referring to 11 anyone specifically? 12 A. No. 13 Q. Did you ever have any conversations 14 about religion with Mr. Chrinian? 15 A. Yes. 16 Q. What were the substance of those 17 conversations? 18 A. Those were in reference to his 19 charitable work and what not. 20 Q. Did you ever witness Mr. Chrinian 21 speaking with any other Ashley employees about 22 his religious faith? 23 A. No. 24 Q. Did Mr. Chrinian ever make any book 25 recommendations to you?</p> | <p>1 Q. I do want to return to Mr. Mansour's 2 comments toward you in a moment, but for right 3 now I would like to focus on your comments 4 towards Mr. Mansour. Did you ever refer to him 5 as a terrorist? 6 A. Yes, in a joking manner. 7 Q. What would the context of that be? 8 A. Again, we go back and forth. He'd call 9 me a wiseguy, a guinea, a highjacker and we just 10 joked back and forth. 11 Q. About how often would you have these 12 sorts of joking conversations? 13 A. I can't recall exactly how often. 14 Q. Did you ever refer to Mr. Mansour as 15 Taliban? 16 A. No, I did not. 17 Q. Did you ever suggest that Ashley had to 18 install a metal detector? 19 A. Absolutely not. 20 Q. Did you ask Mr. Mansour if he was upset 21 that Bin Laden had been captured? 22 A. Absolutely not. I was not even there 23 the day they captured Bin Laden. I was off. 24 Q. Did you ever say to Mr. Mansour that 25 Ashley shouldn't hire any more Muslims because</p> |
| [Page 23] | [Page 25] |

[7] (Pages 22 to 25)

| | |
|--|--|
| <p>1 it's turning into Afghanistan?</p> <p>2 A. Absolutely not.</p> <p>3 Q. Other than calling Mr. Mansour a</p> <p>4 terrorist, did you make any other joking remarks</p> <p>5 about his religious faith?</p> <p>6 A. No, I did not.</p> <p>7 Q. Would you have those conversations with</p> <p>8 Mr. Mansour in the presence of any other Ashley</p> <p>9 employees?</p> <p>10 A. We would be in the store, you know, on</p> <p>11 the showroom floor.</p> <p>12 MR. HARZ: Listen to the question</p> <p>13 and just answer the question, please.</p> <p>14 A. The question was again?</p> <p>15 MR. VALLAS: Can I ask the Court</p> <p>16 Reporter to read back the last question.</p> <p>17 (Whereupon, the referred-to question</p> <p>18 was read back by the Reporter.)</p> <p>19 A. Yes.</p> <p>20 Q. Who specifically would have witnessed</p> <p>21 those conversations?</p> <p>22 A. Aazeo Bautista, we joked in her office.</p> <p>23 Q. Anybody else?</p> <p>24 A. Not that I could recall.</p> <p>25 Q. Did Aazeo Bautista ever speak with you</p> | <p>1 Q. Did Ms. Bautista ever tell you</p> <p>2 Mr. Mansour never complained to her?</p> <p>3 MR. HARZ: That's been asked and</p> <p>4 answered, but you can probe.</p> <p>5 A. She never came to me because it was</p> <p>6 never a problem.</p> <p>7 Q. Does Mr. Mansour still work for Ashley?</p> <p>8 A. Not that I know of.</p> <p>9 Q. Do you remember when he separated from</p> <p>10 Ashley?</p> <p>11 A. No, I don't know the exact date.</p> <p>12 Q. Do you remember the circumstances of</p> <p>13 Mr. Mansour's separation from Ashley?</p> <p>14 A. I believe he was -- no, I know that he</p> <p>15 was let go for theft.</p> <p>16 MR. VALLAS: Can I have you mark</p> <p>17 this Sciarrino 1.</p> <p>18 (Whereupon, the aforementioned</p> <p>19 Affidavit of Salvatore Sciarrino was</p> <p>20 marked as Sciarrino Exhibit 1 for</p> <p>21 identification as of this date by the</p> <p>22 Reporter.)</p> <p>23 Q. Mr. Sciarrino, before I pass this</p> <p>24 document, I just have a couple of questions.</p> <p>25 Were you involved in the decision to terminate</p> |
| [Page 26] | [Page 28] |

| | |
|--|---|
| <p>1 about the propriety of those sorts of</p> <p>2 conversations?</p> <p>3 A. No, because it was never a problem.</p> <p>4 Q. Did she ever warn you about having those</p> <p>5 conversations in anybody else's presence?</p> <p>6 A. No, not that I --</p> <p>7 Q. Did you ever complain to Ms. Bautista</p> <p>8 about some of the comments Mr. Mansour would</p> <p>9 make?</p> <p>10 A. No, I did not because it was all in fun,</p> <p>11 a joke.</p> <p>12 Q. Are you aware whether Mr. Mansour ever</p> <p>13 complained to Ms. Bautista about any of the</p> <p>14 comments?</p> <p>15 A. Never did.</p> <p>16 Q. How do you know he never did?</p> <p>17 A. Because him and I, like I said, it</p> <p>18 was -- we were more than sales managers. We were</p> <p>19 brothers. We spoke about a lot of things and it</p> <p>20 was never brought to my attention by Ms.</p> <p>21 Bautista.</p> <p>22 Q. Is it fair to say that you're assuming</p> <p>23 Mr. Mansour never did, never complained to</p> <p>24 Ms. Bautista?</p> <p>25 A. I don't assume.</p> | <p>1 Mr. Mansour?</p> <p>2 A. No.</p> <p>3 Q. Were you involved in the investigation</p> <p>4 about the allegations of theft that led to</p> <p>5 Mr. Mansour's termination?</p> <p>6 A. No.</p> <p>7 Q. I'm just going to pass the witness the</p> <p>8 document marked Sciarrino 1. Mr. Sciarrino, take</p> <p>9 your time reviewing that. Let me know when</p> <p>10 you're ready.</p> <p>11 A. I'm ready.</p> <p>12 Q. Are you familiar with that document?</p> <p>13 A. I have seen it, yes.</p> <p>14 Q. Can you tell me what it is?</p> <p>15 A. It's a document that, from a customer.</p> <p>16 MR. HARZ: I'm sorry, are you</p> <p>17 talking about the entire document?</p> <p>18 MR. VALLAS: Yes.</p> <p>19 MR. HARZ: The entire document.</p> <p>20 A. The entire document? Yes, it's an</p> <p>21 Affidavit.</p> <p>22 Q. Is that your Affidavit?</p> <p>23 A. Yes, it is.</p> <p>24 Q. May I ask you to turn to Page 3?</p> <p>25 A. Okay.</p> |
| [Page 27] | [Page 29] |

[8] (Pages 26 to 29)

| | |
|--|--|
| <p>1 Q. Is that your signature?</p> <p>2 A. Yes, it is.</p> <p>3 Q. That was signed before a Notary Public?</p> <p>4 A. Yes.</p> <p>5 Q. Were you swearing to the truth of these statements?</p> <p>6 A. Yes.</p> <p>7 Q. Can I ask you to turn to the first page.</p> <p>8 The second paragraph reads, "On the evening of</p> <p>9 January 18th, 2012, Jacqueline Wright," and then</p> <p>10 later," and I met at the store with an Ashley</p> <p>11 customer named Dina Yousef and Ms. Yousef's</p> <p>12 husband."</p> <p>13 At the time you had that meeting,</p> <p>14 Mr. Sciarrino, was Mr. Mansour employed by</p> <p>15 Ashley?</p> <p>16 A. Yes.</p> <p>17 Q. That was on January 18th. Do you know</p> <p>18 when Mr. Mansour was terminated by Ashley?</p> <p>19 A. I do not recall. You asked me that</p> <p>20 before.</p> <p>21 Q. I can rephrase. I think you've already</p> <p>22 answered, does this document refresh your</p> <p>23 recollection as to when Mr. Mansour was</p> <p>24 terminated?</p> | <p>1 Q. What did they say in response to that?</p> <p>2 A. They called us to look through the day's</p> <p>3 record, which we kept on a daily basis every day</p> <p>4 and to pull all the paperwork, which we did.</p> <p>5 Q. How long did it take you to do that?</p> <p>6 A. Maybe a half-hour to an hour.</p> <p>7 Q. Did you turn that information over to</p> <p>8 Ms. Bautista and Mr. Cook?</p> <p>9 A. Yes.</p> <p>10 Q. Were you involved in the subsequent</p> <p>11 investigation?</p> <p>12 A. No, I was not.</p> <p>13 Q. Are you aware of the outcome of the</p> <p>14 investigation?</p> <p>15 A. Yes.</p> <p>16 Q. What was the outcome?</p> <p>17 A. The outcome was it was found that</p> <p>18 Mr. Mansour had pocketed these funds for this</p> <p>19 customer.</p> <p>20 Q. Do you know who found that?</p> <p>21 A. Mr. Cook.</p> <p>22 Q. How were you informed of the outcome of</p> <p>23 the investigation?</p> <p>24 A. I was informed that Mr. Mansour was let</p> <p>25 go.</p> |
|--|--|

[Page 30]

[Page 32]

| | |
|--|---|
| <p>1 A. The document says 2012.</p> <p>2 Q. What was that meeting with the Yousefs</p> <p>3 about?</p> <p>4 A. The meeting was that the Yousefs came to</p> <p>5 the counter for a sale that they wanted to have</p> <p>6 delivered. They came to Ms. Wright.</p> <p>7 Ms. Wright looked at the sale inside the</p> <p>8 computer trying to find the payment that the</p> <p>9 Yousefs explained that they made and the payment</p> <p>10 could not be found.</p> <p>11 So, therefore, I was called to the front</p> <p>12 desk. We in turn looked through the payments and</p> <p>13 did not find any recollection of these payments.</p> <p>14 Q. What did you do after that meeting?</p> <p>15 A. After that meeting we called HR and the</p> <p>16 director of sales.</p> <p>17 Q. Who is the director of sales?</p> <p>18 A. Jerry Cook.</p> <p>19 Q. Who did you contact in HR?</p> <p>20 A. Aazeo Bautista.</p> <p>21 Q. What did you tell Mr. Cook and</p> <p>22 Ms. Bautista?</p> <p>23 A. That we have a signed receipt with a</p> <p>24 deposit that was given by Mr. Mansour and we</p> <p>25 could not find the funds.</p> | <p>1 Q. Who told you that?</p> <p>2 A. Jerry Cook.</p> <p>3 Q. Do you remember when?</p> <p>4 A. Not exactly.</p> <p>5 Q. Was it after this meeting with the</p> <p>6 Yousefs?</p> <p>7 A. Yes.</p> <p>8 Q. Did Mr. Cook say that Mr. Mansour was</p> <p>9 let go because of a meeting with the Yousefs?</p> <p>10 A. No.</p> <p>11 Q. Did Mr. Cook say why Mr. Mansour was let</p> <p>12 go?</p> <p>13 A. He had said it was theft.</p> <p>14 Q. Was he more specific than that?</p> <p>15 A. No, he was not.</p> <p>16 Q. Did you ask?</p> <p>17 A. No, I did not.</p> <p>18 Q. Why not?</p> <p>19 A. I was not privy to, like I had said, HR</p> <p>20 investigations and stuff of that matter.</p> <p>21 Q. Did you ever get in touch with</p> <p>22 Mr. Mansour?</p> <p>23 A. No, I did not. I terminated the</p> <p>24 relationship between us.</p> <p>25 Q. When did you terminate the relationship?</p> |
|--|---|

[Page 31]

[Page 33]

[9] (Pages 30 to 33)

| | |
|---|---|
| <p>1 A. Right after he was let go.</p> <p>2 Q. Why?</p> <p>3 A. Because I do not associate with people</p> <p>4 who steal.</p> <p>5 Q. Did you ever ask him for his side of the</p> <p>6 story?</p> <p>7 A. No, I did not.</p> <p>8 Q. You testified a little while ago that</p> <p>9 you and Mr. Mansour were brothers; had that</p> <p>10 changed at the time these allegations were made?</p> <p>11 A. It had changed, yes, because it was not</p> <p>12 an allegation. It was a fact.</p> <p>13 Q. I can rephrase that question.</p> <p>14 Prior to these allegations being raised,</p> <p>15 was there any change in your relationship?</p> <p>16 MR. HARZ: You're assuming that he</p> <p>17 thinks they're allegations. If you</p> <p>18 could rephrase the question because</p> <p>19 that's putting presumption into his</p> <p>20 answer, which he did not make.</p> <p>21 MR. VALLAS: I think you're</p> <p>22 testifying --</p> <p>23 MR. HARZ: Excuse me, let me finish.</p> <p>24 He says he considers them to be facts.</p> <p>25 You keep asking about the allegations.</p> | <p>1 prior to that time, had there been any change in</p> <p>2 your relationship with Mr. Mansour?</p> <p>3 A. No.</p> <p>4 Q. On January 17th, 2012, did you still</p> <p>5 consider yourself brothers with Mr. Mansour?</p> <p>6 A. This is -- I'm sorry, I don't understand</p> <p>7 the question. This is a year before you're</p> <p>8 asking me about.</p> <p>9 Q. No, no, the day before?</p> <p>10 A. You said 2012 then 2013.</p> <p>11 Q. Did I say 2013? I apologize. That was</p> <p>12 a mistake.</p> <p>13 You met with the Yousef's on January</p> <p>14 18th, 2012, according to your Affidavit?</p> <p>15 A. Right.</p> <p>16 MR. HARZ: Are you following the</p> <p>17 Affidavit?</p> <p>18 Q. Paragraph 2 of your Affidavit you said</p> <p>19 on the evening of January 18th 2012. On January</p> <p>20 17th, 2012, did you still consider yourself</p> <p>21 brothers with Mr. Mansour?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever speak with Mr. Mansour on</p> <p>24 January 18th, 2012 or any time thereafter about</p> <p>25 these allegations?</p> |
|---|---|

[Page 34]

[Page 36]

| | |
|---|---|
| <p>1 Again, if he answers your</p> <p>2 question, then he's answering to your</p> <p>3 presumption. Please let me finish.</p> <p>4 You're building up the question with the</p> <p>5 presumption that's going to be built</p> <p>6 into his answer. I would appreciate if</p> <p>7 you would clarify the question.</p> <p>8 MR. VALLAS: There's nothing he can</p> <p>9 say about allegations and facts.</p> <p>10 Furthermore, I think your</p> <p>11 testifying for the witness. I think</p> <p>12 that's a speaking objection that's</p> <p>13 impermissible.</p> <p>14 If Mr. Sciarrino has a problem</p> <p>15 with the premise of my question, he can</p> <p>16 raise it.</p> <p>17 MR. HARZ: I have every right to</p> <p>18 object to the form of the questions. I</p> <p>19 will continue to do so.</p> <p>20 MR. VALLAS: Your objection is</p> <p>21 noted, but I don't believe you have a</p> <p>22 right to go much further than that.</p> <p>23 MR. HARZ: I will continue to do so.</p> <p>24 Q. Mr. Sciarrino, at the time the</p> <p>25 allegations were raised on January 18th, 2012,</p> | <p>1 A. No, I did not.</p> <p>2 Q. Did Mr. Mansour ever try to contact you?</p> <p>3 A. No, he did not.</p> <p>4 Q. Did you ever try to contact him?</p> <p>5 A. No, I did not.</p> <p>6 Q. Are you familiar with a --</p> <p>7 Mr. Sciarrino, if you need to take a break?</p> <p>8 A. No, that's fine.</p> <p>9 Q. I really don't have very much more. If</p> <p>10 you would like to take a break, let me know.</p> <p>11 MR. HARZ: You sure.</p> <p>12 THE WITNESS: That's fine. I'm</p> <p>13 good.</p> <p>14 Q. Are you familiar with an Ashley policy</p> <p>15 that offers customers price matching guarantees?</p> <p>16 A. Yes.</p> <p>17 Q. Can you describe to me how that works?</p> <p>18 A. Price match policies, is if a customer</p> <p>19 can bring something in the form of print, we</p> <p>20 would match their price.</p> <p>21 Q. Would you need to get approval to do</p> <p>22 that?</p> <p>23 A. To do price matches, yes.</p> <p>24 Q. Who would you have to get approval from?</p> <p>25 A. Jerry Cook.</p> |
|---|---|

[Page 35]

[Page 37]

[10] (Pages 34 to 37)

| | |
|---|---|
| <p>1 Q. How would you get that approval?</p> <p>2 A. On the phone. As long as the -- whether</p> <p>3 it was a newspaper clipping, a postcard, was</p> <p>4 attached to the sale.</p> <p>5 Q. Would you have to submit anything to</p> <p>6 Mr. Cook?</p> <p>7 A. No, as long as, like I said, as long as</p> <p>8 something was attached to it.</p> <p>9 Q. Are you familiar with an Ashley customer</p> <p>10 named Ramona Arias?</p> <p>11 A. No.</p> <p>12 Q. Are you familiar with an Ashley</p> <p>13 Furniture employee named Mark Moses?</p> <p>14 A. Yes.</p> <p>15 Q. What was Mark Moses' role at Ashley</p> <p>16 Furniture?</p> <p>17 MR. HARZ: If any? Are you talking</p> <p>18 about Ashley in general?</p> <p>19 MR. VALLAS: Yes.</p> <p>20 A. Mark Moses started as a sales manager.</p> <p>21 Q. Do you remember when?</p> <p>22 A. I believe right around the same time</p> <p>23 that Mohammed was employed and myself.</p> <p>24 Q. Were you involved in hiring Mr. Moses?</p> <p>25 A. I interviewed Mr. Moses and then gave my</p> | <p>1 procedures, floor walks, coaching.</p> <p>2 Q. About how long did that training take?</p> <p>3 A. It took a couple of weeks.</p> <p>4 Q. Were you aware of Mr. Moses' religious</p> <p>5 faith?</p> <p>6 A. Yes.</p> <p>7 Q. What was that?</p> <p>8 A. Muslim.</p> <p>9 Q. How did you become aware of that?</p> <p>10 A. He told me.</p> <p>11 Q. Did you ever have any conversations with</p> <p>12 Mr. Moses about his religious faith?</p> <p>13 A. No.</p> <p>14 Q. Did you ever have any banter with Mr. --</p> <p>15 A. Absolutely not.</p> <p>16 MR. HARZ: Let him ask the question</p> <p>17 and then you answer.</p> <p>18 THE WITNESS: Okay.</p> <p>19 Q. Did you ever have any banter similar to</p> <p>20 what you had with Mr. Mansour with Mr. Moses?</p> <p>21 A. No.</p> <p>22 Q. Did you have a personal relationship</p> <p>23 with Mr. Moses?</p> <p>24 A. No.</p> <p>25 Q. I apologize in advance, but did you ever</p> |
|---|---|

[Page 38]

[Page 40]

| | |
|--|---|
| <p>1 recommendation.</p> <p>2 Q. What was your recommendation?</p> <p>3 A. I thought he would be a good fit, but I</p> <p>4 did not make the final decision in hiring</p> <p>5 Mr. Moses.</p> <p>6 Q. Do you know who did?</p> <p>7 A. It was done by upper management as with</p> <p>8 all hiring.</p> <p>9 Q. Was there anyone specifically involved</p> <p>10 in that decision that you were aware of?</p> <p>11 A. I believe it was Jerry Cook and Aazeo</p> <p>12 Bautista.</p> <p>13 Q. When you said that you recommended that</p> <p>14 Mr. Moses would be a good fit, did you recommend</p> <p>15 that he would be a good fit for a specific role?</p> <p>16 A. When I spoke with him, it was for the</p> <p>17 role of sales manager.</p> <p>18 Q. Are you aware that Mr. Moses was</p> <p>19 ultimately hired as a sale manager?</p> <p>20 A. Yes.</p> <p>21 Q. Were you involved in training Mr. Moses?</p> <p>22 A. Yes.</p> <p>23 Q. What did that training entail?</p> <p>24 A. That entailed the daily operations of</p> <p>25 sales manager's duty, TOs, opening and closing</p> | <p>1 use the word "nigger" in Mr. Moses' presence?</p> <p>2 A. Absolutely not.</p> <p>3 Q. Have you ever used that word in Ashley</p> <p>4 Furniture?</p> <p>5 A. Absolutely not.</p> <p>6 Q. Are you aware of any complaints that</p> <p>7 were made about you by Mr. Moses?</p> <p>8 A. No.</p> <p>9 Q. Are you aware of any complaints that</p> <p>10 were made about you regarding discrimination or</p> <p>11 harassment by any Ashley employee?</p> <p>12 A. No.</p> <p>13 Q. About how long was Mr. Moses employed by</p> <p>14 Ashley as a sales manager?</p> <p>15 A. My recollection, I'd say probably three</p> <p>16 to four weeks.</p> <p>17 Q. What happened at the end of that three-</p> <p>18 to four-week period?</p> <p>19 A. He was demoted to a salesman.</p> <p>20 Q. Were you involved in the decision to</p> <p>21 demote Mr. Moses?</p> <p>22 A. Absolutely not.</p> <p>23 Q. Who made that decision?</p> <p>24 A. It was made by upper management.</p> <p>25 Q. Do you know who specifically?</p> |
|--|---|

[Page 39]

[Page 41]

[11] (Pages 38 to 41)

877-479-2484

U.S. LEGAL SUPPORT, INC www.uslegalsupport.com

| | |
|--|---|
| <p>1 A. I believe it was Jerry Cook.</p> <p>2 Q. Were you consulted regarding that</p> <p>3 decision?</p> <p>4 A. No.</p> <p>5 Q. Were you informed of the decision?</p> <p>6 A. Yes.</p> <p>7 Q. After it was made. Who informed you?</p> <p>8 A. Jerry Cook.</p> <p>9 Q. Did Mr. Cook say why?</p> <p>10 A. The numbers were not up to par with the</p> <p>11 rest of the sales managers in the company.</p> <p>12 Q. Did you agree with Mr. Cook's</p> <p>13 assessment?</p> <p>14 A. The facts were the facts. He was non</p> <p>15 performing.</p> <p>16 Q. Were you aware of Mr. Moses' performance</p> <p>17 problems prior to Mr. Cook bringing the demotion</p> <p>18 to your attention?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever inform anyone at Ashley</p> <p>21 about Mr. Moses' performance problems?</p> <p>22 A. The performance problems were noted.</p> <p>23 Everyone knew that Mr. Moses was non performing</p> <p>24 from myself to upper management.</p> <p>25 Q. I didn't mean to cut you off.</p> | <p>1 A. I believe it was about two to three</p> <p>2 weeks.</p> <p>3 Q. What happened at the end of that two- to</p> <p>4 three-week period?</p> <p>5 A. He decided that he wanted to leave.</p> <p>6 Q. Do you know why he decided he wanted to</p> <p>7 leave?</p> <p>8 A. He said that it was not for him.</p> <p>9 Q. Did he say that to you?</p> <p>10 A. No, he did not.</p> <p>11 Q. Do you know who he said that to?</p> <p>12 A. Aazeo Bautista.</p> <p>13 Q. How did you become aware of that?</p> <p>14 A. This was in a conversation after a</p> <p>15 meeting in which Mr. Moses fell asleep.</p> <p>16 Q. I want to come back to that in a moment,</p> <p>17 but the conversation with Ms. Bautista, was that</p> <p>18 in person?</p> <p>19 A. No, that was via telephone.</p> <p>20 Q. Going back to that meeting, you</p> <p>21 testified a moment ago Mr. Mansour fell asleep?</p> <p>22 A. No, Mr. Moses fell asleep.</p> <p>23 Q. Excuse me, that's my fault, Mr. Moses</p> <p>24 fell asleep. What happened at that meeting?</p> <p>25 A. That was, I believe that was an A.M.</p> |
|--|---|

[Page 42]

[Page 44]

| | |
|---|--|
| <p>1 Did you ever bring it to anyone's</p> <p>2 attention specifically?</p> <p>3 A. No, I did not.</p> <p>4 Q. Did anyone ever ask you about it?</p> <p>5 A. Yes.</p> <p>6 Q. Who asked you about it?</p> <p>7 A. Jerry Cook.</p> <p>8 Q. Do you remember when?</p> <p>9 A. On and about the time while he was</p> <p>10 working for us, you know, in that four-week</p> <p>11 period.</p> <p>12 Q. What did Mr. Cook ask you?</p> <p>13 A. What was his performance, how was he</p> <p>14 handling TOs, how was he handling daily walks,</p> <p>15 how was he handling getting adapted to the floor.</p> <p>16 Q. What did you tell Mr. Cook?</p> <p>17 A. He was having difficulty.</p> <p>18 Q. Was this prior to Mr. Moses' demotion?</p> <p>19 A. Yes.</p> <p>20 Q. Was there more than one conversation?</p> <p>21 A. Not that I can recall, no.</p> <p>22 Q. Was this conversation in person?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember about how long Mr. Moses</p> <p>25 continued as a salesman?</p> | <p>1 meeting. We had two meetings a day. Every</p> <p>2 morning we went over the numbers. It was Ra Ra</p> <p>3 Ra, very up beat meeting for the day, what the</p> <p>4 goals were.</p> <p>5 I was sitting in a chair. Mr. Moses was</p> <p>6 sitting directly across from me and during the</p> <p>7 proceedings and the meeting, as I always did,</p> <p>8 looked at everybody and Mr. Moses was completely</p> <p>9 asleep.</p> <p>10 Q. Did you say anything to Mr. Moses?</p> <p>11 A. One of the sales people nudged him to</p> <p>12 wake up and I instructed him to go into the lunch</p> <p>13 room and wait for me.</p> <p>14 Q. Did he do so?</p> <p>15 A. Yes.</p> <p>16 Q. Did you approach him in the lunch room?</p> <p>17 A. No, I did not. I went into the office</p> <p>18 and called HR.</p> <p>19 Q. Who did you speak with at HR?</p> <p>20 A. Aazeo Bautista.</p> <p>21 Q. What did you tell Ms. Bautista?</p> <p>22 A. That Mr. Moses had fell asleep in a</p> <p>23 sales meeting.</p> <p>24 Q. What did Ms. Bautista say in response?</p> <p>25 A. To send him home and she would reach out</p> |
|---|--|

[Page 43]

[Page 45]

[12] (Pages 42 to 45)

| | |
|---|---|
| <p>1 to him.</p> <p>2 Q. Did you do so?</p> <p>3 A. Yes.</p> <p>4 Q. What did you say to Mr. Moses?</p> <p>5 A. That he needed to go home and HR would</p> <p>6 reach out to him.</p> <p>7 Q. Did you say that HR had directed you to</p> <p>8 tell him to go home?</p> <p>9 A. Yes.</p> <p>10 Q. What did Mr. Moses say in response?</p> <p>11 A. Nothing. He got his jacket and he left.</p> <p>12 Q. Roughly what time of day was this?</p> <p>13 A. This was roughly around 9:30.</p> <p>14 Q. Let me be a little more specific. What</p> <p>15 time of day was the meeting?</p> <p>16 A. 9:30 A.M.</p> <p>17 Q. What time of day was it that you sent</p> <p>18 Mr. Moses home?</p> <p>19 A. It was probably a half-hour after that,</p> <p>20 maybe forty-five minutes.</p> <p>21 Q. When Ms. Bautista informed you that</p> <p>22 Mr. Moses was leaving, what time of day was that?</p> <p>23 MR. HARZ: Objection to the</p> <p>24 question. You said she informed him</p> <p>25 or --</p> | <p>1 Ashley, have you had any conversations with</p> <p>2 Mr. Moses?</p> <p>3 A. No.</p> <p>4 Q. Have you tried to reach out to</p> <p>5 Mr. Moses?</p> <p>6 A. No.</p> <p>7 Q. Has Mr. Moses tried to reach out to you?</p> <p>8 A. No.</p> <p>9 MR. VALLAS: Can we go off the</p> <p>10 record for a moment.</p> <p>11 (Whereupon, an off-the-record</p> <p>12 discussion was held.)</p> <p>13 MR. VALLAS: Can I ask you to mark</p> <p>14 this Sciarrino 2.</p> <p>15 (Whereupon, the aforementioned</p> <p>16 e-mail was marked as Sciarrino Exhibit 2</p> <p>17 for identification as of this date by</p> <p>18 the Reporter.)</p> <p>19 Q. Mr. Sciarrino, I'm passing you a</p> <p>20 document that's been marked Sciarrino 2.</p> <p>21 Take a moment to review it. I'll note</p> <p>22 it's two-sided. Ready? Do you recognize this</p> <p>23 document, Mr. Sciarrino?</p> <p>24 A. It's an e-mail to I believe at the time</p> <p>25 it was our inventory manager.</p> |
|---|---|

[Page 46]

[Page 48]

| | |
|---|--|
| <p>1 MR. VALLAS: Informed Mr. Sciarrino.</p> <p>2 Q. I believe you said you had a telephone</p> <p>3 conversation with Ms. Bautista subsequent to</p> <p>4 this, correct?</p> <p>5 A. No, I didn't say that. I had spoken to</p> <p>6 Ms. Bautista in the morning. I believe the next</p> <p>7 day I had a conversation with Ms. Bautista.</p> <p>8 Q. That was a telephone conversation?</p> <p>9 A. Yes.</p> <p>10 Q. That was the next day?</p> <p>11 A. Yes, I believe so.</p> <p>12 Q. Do you remember what time of day that</p> <p>13 was?</p> <p>14 A. Not offhand.</p> <p>15 Q. Did Mr. Moses report to work that day?</p> <p>16 A. No.</p> <p>17 Q. Did you contact Ms. Bautista or did she</p> <p>18 contact you?</p> <p>19 A. I contacted her.</p> <p>20 Q. Why did you contact her?</p> <p>21 A. To see what was the outcome of it.</p> <p>22 Q. When you say it?</p> <p>23 A. The outcome of the conversation with</p> <p>24 Mr. Moses.</p> <p>25 Q. Subsequent to his separation from</p> | <p>1 Q. Frank Leopardi (phonetic) was your</p> <p>2 inventory manager?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. Do you remember receiving this e-mail?</p> <p>5 A. It was so long ago.</p> <p>6 MR. HARZ: Listen to the question.</p> <p>7 A. Yes.</p> <p>8 Q. Who is Edda Montalvo?</p> <p>9 A. Edda Montalvo is the decorator.</p> <p>10 Q. Who is W. Cadle, C-A-D-L-E?</p> <p>11 A. That was the operations manager in the</p> <p>12 store.</p> <p>13 Q. What was his full name?</p> <p>14 A. Wayne.</p> <p>15 Q. Did you do anything in response to this</p> <p>16 e-mail?</p> <p>17 A. No.</p> <p>18 Q. Do you know if these items referenced by</p> <p>19 Mr. Leopardi were ever located?</p> <p>20 A. No.</p> <p>21 Q. I just have one last question about</p> <p>22 this. In his initial e-mail on the second page</p> <p>23 dated January 16th, he referenced Linda has</p> <p>24 brought to my attention. Who's Linda?</p> <p>25 A. Linda I believe was an inventory control</p> |
|---|--|

[Page 47]

[Page 49]

[13] (Pages 46 to 49)

| | |
|--|--|
| <p>1 person.</p> <p>2 Q. When inventory control issues would 3 arise, would you typically investigate?</p> <p>4 A. It would typically be handled by the 5 operations manager in the building.</p> <p>6 Q. To the best of your knowledge, is that 7 what happened in this case?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. Were you ever informed of the outcome?</p> <p>10 A. No, I was not.</p> <p>11 MR. VALLAS: Assuming there are no 12 questions from defense, I have no 13 further questions.</p> <p>14 MR. HARZ: I have just one or maybe 15 a few.</p> <p>16 EXAMINATION BY</p> <p>17 MR. HARZ:</p> <p>18 Q. Mr. Sciarrino, you testified, I quote 19 you with regard with Mr. Moses' performance, 20 quote, the numbers were not up to par.</p> <p>21 Were Ashley sales managers required to 22 sell product?</p> <p>23 A. Yes.</p> <p>24 Q. Can you explain that to me?</p> <p>25 A. Ashley sales managers would be measured</p> | <p>1 A. Yes.</p> <p>2 Q. Were those plans of action ever reduced 3 to writing?</p> <p>4 A. No, they were generally put in verbals 5 and whatnot.</p> <p>6 Q. Did you ever have a plan of action 7 developed for Mr. Moses?</p> <p>8 A. Mr. -- yes, we sat down. We had several 9 meetings with Mr. Moses in trying to improve his 10 performance.</p> <p>11 Q. When you say "we"?</p> <p>12 A. Jerry Cook, myself, Aazeo Bautista.</p> <p>13 Q. Do you remember about how many?</p> <p>14 A. I believe it was two.</p> <p>15 Q. Do you remember how soon prior to the 16 demotion those meetings occurred?</p> <p>17 A. Those happened probably say three weeks 18 before. Mr. Moses immediately started to, first 19 week in not do very well. We immediately put a 20 plan of action in for him to do very well.</p> <p>21 Q. That plan of action was verbal?</p> <p>22 A. Yes.</p> <p>23 Q. Was Ms. Bautista and Mr. Cook both 24 present at both meetings?</p> <p>25 A. Yes.</p> |
| [Page 50] | [Page 52] |

| | |
|---|---|
| <p>1 on their TO percentage, which is taking the sale 2 from the product specialist and converting it 3 into a sale. They were also from time to time in 4 overflow they would take ups.</p> <p>5 MR. HARZ: I have no further 6 questions.</p> <p>7 MR. VALLAS: I just have one 8 follow-up question to that.</p> <p>9 EXAMINATION BY</p> <p>10 MR. VALLAS:</p> <p>11 Q. Mr. Sciarrino, were there formal quotas 12 that sales managers would have to meet?</p> <p>13 A. Yes.</p> <p>14 Q. Were those quotas weekly?</p> <p>15 A. Yes.</p> <p>16 Q. If a sales manager fell below quotas for 17 a given week, were there steps you would take to 18 improve that manager's performance?</p> <p>19 A. Yeah, we put together plans of action to 20 help the sales manager who was below, what they 21 call a black dot or gold star. Those were the 22 weekly quotas.</p> <p>23 Q. Would it be fair to say black dot would 24 be the minimum, gold star would be exceeding 25 expectations?</p> | <p>1 MR. VALLAS: No further questions 2 from me.</p> <p>3 EXAMINATION BY</p> <p>4 MR. HARZ:</p> <p>5 Q. Were Mr. Moses' sales below black dot?</p> <p>6 A. Yes.</p> <p>7 MR. HARZ: No further questions.</p> <p>8 MR. VALLAS: Mr. Sciarrino, thank 9 you, very much.</p> <p>10 (Whereupon, at 11:23 A.M., the 11 Examination of this Witness was 12 concluded.)</p> |
| [Page 51] | [Page 53] |

[14] (Pages 50 to 53)

| | | | |
|----|----------------------|----------------------------------|------|
| 1 | INDEX OF EXAMINATION | | |
| 2 | EXAMINATION BY PAGE | | |
| 3 | Mr. Vallas 3, 51 | | |
| 4 | Mr. Harz 50, 53 | | |
| 5 | INDEX TO EXHIBITS | | |
| 6 | SCIARRINO | | |
| 7 | EXHIBIT | DESCRIPTION | PAGE |
| 8 | 1 | Affidavit of Salvatore Sciarrino | 28 |
| 9 | 2 | E-mail | 48 |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

[Page 54]

| | |
|----|---|
| 1 | C E R T I F I C A T E O F O F F I C E R |
| 2 | |
| 3 | I, ANNA BUONSANTO, a Notary Public for and |
| 4 | within the State of New Jersey, do hereby certify |
| 5 | that prior to the commencement of the examination |
| 6 | the witness was duly sworn. |
| 7 | I DO FURTHER CERTIFY that the foregoing is |
| 8 | a true and accurate transcript of the testimony |
| 9 | as taken stenographically by and before me at the |
| 10 | time, place and on the date hereinbefore set |
| 11 | forth. |
| 12 | I DO FURTHER CERTIFY that I am neither a |
| 13 | relative nor employee, nor attorney or counsel to |
| 14 | any of the involved; that I am neither related to |
| 15 | nor employed by such attorney or counsel, and |
| 16 | that I am not financially interested in the |
| 17 | outcome of the action. |
| 18 | IN WITNESS WHEREOF, I have hereunto set my |
| 19 | hand this 14th day of November 2014. |
| 20 | |
| 21 | |
| 22 | |
| 23 | |

24 _____
ANNA BUONSANTO
ID No.: 2419040
25

[Page 55]

[15] (Pages 54 to 55)

| | | |
|--|---|---|
| <p>A</p> <p>A-A-Z-E-O 18:22</p> <p>A.M 1:10 44:25 46:16 53:10</p> <p>Aazeo 18:20 26:22,25 31:20 39:11 44:12 45:20 52:12</p> <p>ability 6:21</p> <p>able 7:2</p> <p>Absolutely 25:19,22 26:2 40:15 41:2,5,22</p> <p>accurate 55:8</p> <p>action 1:4 13:18 51:19 52:2,6 52:20,21 55:17</p> <p>actively 9:21</p> <p>adapted 43:15</p> <p>address 3:9</p> <p>advance 40:25</p> <p>advice 13:23</p> <p>affect 6:21</p> <p>Affidavit 28:19 29:21,22 36:14,17,18 54:8</p> <p>Afghanistan 26:1</p> <p>aforementioned 28:18 48:15</p> <p>ago 19:16 34:8 44:21 49:5</p> <p>agree 42:12</p> <p>allegation 34:12</p> <p>allegations 16:19,22,24 18:8 19:5 29:4 34:10,14,17,25 35:9,25 36:25</p> <p>allow 4:14</p> <p>alongside 19:17 20:1</p> <p>Anna 1:18 55:3,24</p> <p>answer 4:13,18 5:1,22 6:21 7:2 15:1 18:1 19:20 20:19 26:13 34:20 35:6 40:17</p> <p>answered 28:4 30:23</p> <p>answering 35:2</p> <p>answers 4:12 35:1</p> <p>anti-discrimination 11:13</p> <p>anybody 5:14 6:9 10:7 23:8 26:23 27:5</p> <p>anyone's 43:1</p> <p>apologize 36:11 40:25</p> <p>appreciate 35:6</p> <p>approach 45:16</p> <p>approval 37:21,24 38:1</p> <p>approximately 20:14</p> <p>ARCHER 1:16 2:7</p> <p>Arias 38:10</p> | <p>Ashley 1:6 3:16,18 7:5,7,10 7:12,22 8:2,7,14 9:20 10:11 11:5,21,23 12:1,4 13:5 14:3 14:19 16:9,18 20:25 21:3,9 21:14 23:8,21 25:17,25 26:8 28:7,10,13 30:11,16,19 37:14 38:9,12,15,18 41:3,11 41:14 42:20 48:1 50:21,25</p> <p>Ashley's 10:9 16:13 20:9</p> <p>asked 28:3 30:20 43:6</p> <p>asking 18:3 34:25 36:8</p> <p>asleep 44:15,21,22,24 45:9,22</p> <p>assessment 42:13</p> <p>associate 22:17 34:3</p> <p>assume 4:18 27:25</p> <p>assuming 27:22 34:16 50:11</p> <p>attached 38:4,8</p> <p>attend 6:18</p> <p>attention 27:20 42:18 43:2 49:24</p> <p>attorney 5:2,7,10,10,18 55:13 55:15</p> <p>attorney/client 5:21</p> <p>attorneys 2:3,8 5:24,24</p> <p>authority 12:22,24 13:2,18</p> <p>Avenue 2:4</p> <p>aware 11:5 17:13,22 18:5 22:23 24:5 27:12 32:13 39:10,18 40:4,9 41:6,9 42:16 44:13</p> | <p>39:11 42:1 44:1,25 47:2,6 47:11 48:24 49:3,25 50:8 52:14</p> <p>best 50:6</p> <p>Bin 25:21,23</p> <p>birth 6:12</p> <p>black 51:21,23 53:5</p> <p>book 23:24 24:2</p> <p>break 4:25 5:1 37:7,10</p> <p>breaks 4:23</p> <p>bring 37:19 43:1</p> <p>bringing 9:12,19 42:17</p> <p>Brooklyn 3:10</p> <p>brotherly 24:24</p> <p>brothers 22:14 27:19 34:9 36:5,21</p> <p>brought 16:16,21,25 17:14 27:20 49:24</p> <p>building 19:4 21:19 35:4 50:5</p> <p>built 35:5</p> <p>Buonsanto 1:18 55:3,24</p> <p>business 3:15 7:19 9:18</p> <hr/> <p>C</p> <p>C 2:1 3:1 55:1,1,1</p> <p>C-A-D-L-E 49:10</p> <p>Cadle 49:10</p> <p>call 25:8 51:21</p> <p>called 3:1 18:6 24:23 31:11 31:15 32:2 45:18</p> <p>calling 26:3</p> <p>captured 25:21,23</p> <p>case 50:7</p> <p>certify 55:4,7,12</p> <p>chair 45:5</p> <p>change 34:15 36:1</p> <p>changed 34:10,11</p> <p>charitable 23:19</p> <p>Chrinian 23:14,20,24</p> <p>christian 23:5</p> <p>Christine 10:22</p> <p>circumstances 28:12</p> <p>Civil 1:4</p> <p>clarification 11:23</p> <p>clarify 13:4,5 35:7</p> <p>clarity 11:24</p> <p>clipping 38:3</p> <p>close 12:13,15</p> |
| | | |

closing 12:8 39:25
coaching 40:1
college 6:18
come 8:7 9:16,17 12:15 44:16
commencement 22:2 55:5
comments 25:2,3 27:8,14
company 42:11
complain 27:7
complained 27:13,23 28:2
complaint 16:6 17:13,17,19
 18:5
complaints 11:16 14:4,9 16:4
 16:10,14 17:6,8 41:6,9
completely 4:14 45:8
computer 31:8
concluded 53:12
connection 10:16 11:1
consider 36:5,20
considers 34:24
consulted 42:2
contact 31:19 37:2,4 47:17,18
 47:20
contacted 18:18,23 47:19
content 24:20
context 25:7
continue 35:19,23
continued 43:25
control 49:25 50:2
convenience 3:17
conversation 43:20,22 44:14
 44:17 47:3,7,8,23
conversations 23:9,13,17
 25:12 26:7,21 27:2,5 40:11
 48:1
converting 51:2
Cook 9:23 10:10 31:18,21
 32:8,21 33:2,8,11 37:25
 38:6 39:11 42:1,8,9,17 43:7
 43:12,16 52:12,23
Cook's 9:24 10:2 42:12
correct 20:7,9 47:4
counsel 55:13,15
counter 31:5
couple 10:20 28:24 40:3
court 1:1 4:2,8,11 18:21
 26:15
current 8:9,13
currently 7:5,16,17,18
customer 12:12,13 29:15

30:12 32:19 37:18 38:9
customers 37:15
cut 42:25

D

daily 12:6 32:3 39:24 43:14
date 1:9 6:12 15:5 28:11,21
 48:17 55:10
dated 49:23
dates 15:11,17,22,25
day 25:23 32:3 36:9 45:1,3
 46:12,15,17,22 47:7,10,12
 47:15 55:19
day's 32:2
days 22:7,7
deal 12:14
decided 44:5,6
decision 28:25 39:4,10 41:20
 41:23 42:3,5
decorator 49:9
defendant 1:13 2:8 3:18
DEFENDANT(s) 1:7
defense 50:12
delivered 31:6
demote 41:21
demoted 41:19
demotion 42:17 43:18 52:16
depend 22:21
deposed 3:22
deposit 31:24
deposition 1:13 5:12,15 6:10
describe 11:19 22:10 37:17
DESCRIPTION 54:7
desk 31:12
detector 25:18
develop 22:5
developed 22:8 52:7
different 13:10
difficulty 43:17
Dina 30:12
Direct 3:15
directed 18:15 46:7
direction 13:24,25
directly 45:6
director 10:6 31:16,17
disagree 6:7
discipline 13:2,4,11,12,21
 14:1
disciplining 13:6

discrimination 11:17 14:5
 16:6,11 17:7 41:10
discussion 24:14 48:12
DISTRICT 1:1,1
divided 13:10
document 28:24 29:8,12,15
 29:17,19,20 30:23 31:1
 48:20,23
documents 5:19 6:1,3
doing 3:15
dot 51:21,23 53:5
duly 3:2 55:6
duty 39:25

E

E 2:1,1 3:1 55:1,1,1
e-mail 48:16,24 49:4,16,22
 54:9
earlier 20:6
East 3:10
eat 22:16
Edda 49:8,9
effect 4:8
either 14:11 19:14
else's 27:5
employed 7:5,7,16,17,18 8:23
 30:15 38:23 41:13 55:15
employee 13:19 16:5,15
 17:14 38:13 41:11 55:13
employees 12:17,19,25 13:3,6
 14:8 21:9 23:21 26:9
employment 7:9 8:5 14:19
 15:12,18 16:1
entail 10:14 39:23
entailed 12:3,5 39:24
entire 29:17,19,20
ESQ 2:5,10
evening 30:9 36:19
everybody 45:8
exact 15:5 28:11
exactly 15:19 20:23 25:13
 33:4
examination 3:5 50:16 51:9
 53:3,11 54:1,2 55:5
examined 3:4
exceeding 51:24
Excuse 11:22 34:23 44:23
Exhibit 28:20 48:16 54:7
EXHIBITS 54:5

| | | |
|--------------------------------------|-------------------------------------|-----------------------------------|
| expectations 51:25 | four-week 41:18 43:10 | 15:1 17:23 19:19,25 20:16 |
| explain 50:24 | Frank 49:1 | 20:21 26:12 28:3 29:16,19 |
| explained 31:9 | free 4:20 | 34:16,23 35:17,23 36:16 |
| <hr/> | front 31:11 | 37:11 38:17 40:16 46:23 |
| F | full 49:13 | 49:6 50:14,17 51:5 53:4,7 |
| F 55:1,1,1 | fully 6:22 7:3 | 54:4 |
| fact 6:5 21:20 34:12 | fun 27:10 | head 21:7 |
| Factory 3:15 | funds 31:25 32:18 | hear 4:20 7:14 |
| facts 34:24 35:9 42:14,14 | furniture 1:6 3:16 8:11,12 | held 1:15 48:12 |
| fair 27:22 51:23 | 38:13,16 41:4 | help 12:15 51:20 |
| faith 23:1,22 24:19 26:5 40:5 | further 19:7 35:22 50:13 | hereinbefore 55:10 |
| 40:12 | 51:5 53:1,7 55:7,12 | hereunto 55:18 |
| familiar 13:9 29:12 37:6,14 | Furthermore 35:10 | high 6:14,16 |
| 38:9,12 | <hr/> | highjacker 25:9 |
| families 22:13 | G | hire 12:22 25:25 |
| fault 44:23 | general 38:18 | hired 39:19 |
| feel 4:20 | generally 52:4 | hiring 38:24 39:4,8 |
| fell 44:15,21,22,24 45:22 | gentleman 15:9,15 | hold 7:25 8:4 |
| 51:16 | George 2:5 3:13 | home 1:6 3:16 45:25 46:5,8 |
| Fernando 14:17,23 15:7 | getting 43:15 | 46:18 |
| fielding 14:4 | given 19:1,14 20:8 31:24 | Hong 17:15 |
| filed 3:14 | 51:17 | hour 32:6 |
| final 13:15 39:4 | giving 4:8 | hours 10:20 |
| financially 55:16 | go 6:14 14:11 25:8 28:15 | HR 10:17,25 13:20,23 14:11 |
| find 31:8,13,25 | 32:25 33:9,12 34:1 35:22 | 16:8,14,22,25,25 17:7 18:15 |
| fine 4:17 5:5 37:8,12 | 45:12 46:5,8 48:9 | 18:18 31:15,19 33:19 45:18 |
| finish 4:14 34:23 35:3 | goals 12:6 45:4 | 45:19 46:5,7 |
| fire 12:24 | going 3:17,24 11:24 17:23 | Huffman 7:24 |
| FIRM 2:3 | 29:7 35:5 44:20 | hundred 16:2 |
| first 3:2 8:2,21,22 10:11 | gold 51:21,24 | husband 30:13 |
| 13:14 14:14,15 30:8 52:18 | good 3:12 22:8 37:13 39:3,14 | <hr/> |
| fit 39:3,14,15 | 39:15 | I |
| floor 26:11 40:1 43:15 | graduate 6:16 | ID 55:24 |
| focus 25:3 | GREINER 1:16 2:7 | identification 28:21 48:17 |
| follow 18:16,25 | guarantees 37:15 | immediately 52:18,19 |
| follow-up 51:8 | guinea 24:23 25:9 | impermissible 35:13 |
| following 15:7,14,15,20,21 | <hr/> | improper 18:8 |
| 36:16 | H | improve 51:18 52:9 |
| follows 3:4 | Hackensack 1:17 2:9 | INDEX 54:1,5 |
| force 4:7 | half-hour 32:6 46:19 | inform 42:20 |
| foregoing 55:7 | hand 55:19 | informal 4:7 |
| form 19:19 20:17 35:18 | handled 50:4 | information 32:7 |
| 37:19 | handling 16:10 43:14,14,15 | informed 32:22,24 42:5,7 |
| formal 13:5 51:11 | happened 41:17 44:3,24 50:7 | 46:21,24 47:1 50:9 |
| forth 25:8,10 55:11 | 52:17 | initial 49:22 |
| forty-five 46:20 | harassed 14:10 | input 13:23 |
| forward 11:24 | harassment 11:2,6,16 14:4 | inside 31:7 |
| found 31:10 32:17,20 | 16:6,10 17:6,14 41:11 | install 25:18 |
| four 41:16 | Harz 2:10 5:20 6:1,4 11:21 | instructed 45:12 |

| | | |
|--------------------------------------|-----------------------------------|-----------------------------------|
| instruction 11:2 | L 3:1 | 25:4,14,20,24 26:3,8 27:8 |
| interested 5:25 55:16 | Laden 25:21,23 | 27:12,23 28:2,7 29:1 30:15 |
| INTERNATIONAL 1:14 2:8 | lasted 10:19 | 30:19,24 31:24 32:18,24 |
| Interruption 9:9 | launch 17:1,7 | 33:8,11,22 34:9 36:2,5,21 |
| interview 10:7 | law 4:9 | 36:23 37:2 40:20 44:21 |
| interviewed 9:22 10:2 38:25 | lawsuit 3:14 | Mansour's 16:1 22:23 24:5 |
| inventory 48:25 49:2,25 50:2 | leave 9:17 15:4 44:5,7 | 25:1 28:13 29:5 |
| investigate 50:3 | leaving 46:22 | mark 1:2 3:14 8:16 28:16 |
| investigating 16:19 | led 29:4 | 38:13,15,20 48:13 |
| investigation 17:1,4,8,11 | left 15:6 46:11 | marked 28:20 29:8 48:16,20 |
| 19:8,11 29:3 32:11,14,23 | Leopardi 49:1,19 | match 37:18,20 |
| investigations 33:20 | levels 13:11,12,13 | matches 37:23 |
| involved 12:11 18:15 28:25 | Levitz 8:8,11,17 9:13,17 | matching 37:15 |
| 29:3 32:10 38:24 39:9,21 | Linda 49:23,24,25 | matter 17:24 33:20 |
| 41:20 55:14 | Listen 26:12 49:6 | mean 13:4 14:6 20:1,2,4 |
| issues 3:25 50:2 | little 34:8 46:14 | 42:25 |
| items 49:18 | LLC 1:14 2:8 3:15 | means 5:13 19:21 |
| <hr/> | | |
| J | located 49:19 | measured 50:25 |
| jacket 46:11 | location 21:3 | medication 6:20 |
| Jacqueline 30:10 | long 4:23 7:25 8:19 10:19 | meet 5:14,17 8:21 51:12 |
| January 30:10,18 35:25 36:4 | 14:23 19:18,22 32:5 38:2,7 | meeting 30:14 31:2,4,14,15 |
| 36:13,19,19,24 49:23 | 38:7 40:2 41:13 43:24 49:5 | 33:5,9 44:15,20,24 45:1,3,7 |
| Jerry 9:23 31:18 33:2 37:25 | look 32:2 | 45:23 46:15 |
| 39:11 42:1,8 43:7 52:12 | looked 31:7,12 45:8 | meetings 12:6 22:16 45:1 |
| Jersey 1:1,17,19 2:9 3:3 55:4 | lot 27:19 | 52:9,16,24 |
| job 10:9 11:25 | lunch 45:12,16 | met 5:16 30:11 36:13 |
| joining 7:22 | <hr/> | |
| joke 27:11 | M | metal 25:18 |
| joked 24:24 25:10 26:22 | Main 1:16 2:9 | Mindy 17:15 |
| jokes 24:18 | maintains 11:6 | minimum 51:24 |
| joking 25:6,12 26:4 | making 24:2 | minutes 46:20 |
| <hr/> | | mistake 36:12 |
| K | management 8:9,14 16:17 | mobster 24:23 |
| keep 34:25 | 39:7 41:24 42:24 | Mohammed 1:2 2:14 3:13 |
| kept 32:3 | manager 7:24 8:3 9:1 10:25 | 15:21,23,23 38:23 |
| kids 22:15 | 11:20 12:4,14,16 13:17 14:3 | moment 16:24 19:16 25:2 |
| knew 42:23 | 14:12,13,22,23 15:8,12,18 | 44:16,21 48:10,21 |
| know 5:9 9:24 10:2 15:1,2,3 | 16:1,8,14,18 19:17,23 20:12 | Montalvo 49:8,9 |
| 17:19 18:23 19:6,10,21 22:1 | 20:25 21:13,15,21 22:2,5 | months 21:2 |
| 22:21 23:3 24:8,12 26:10 | 38:20 39:17,19 41:14 48:25 | morning 3:12 45:2 47:6 |
| 27:16 28:8,11,14 29:9 30:18 | 49:2,11 50:5 51:16,20 | Moses 1:2 3:14 38:13,15,20 |
| 32:20 37:10 39:6 41:25 | manager's 39:25 51:18 | 38:24,25 39:5,14,18,21 40:4 |
| 43:10 44:6,11 49:18 | managerial 21:10 | 40:12,20,23 41:1,7,13,21 |
| knowledge 50:6 | managers 14:20 20:8 21:8 | 42:16,21,23 43:18,24 44:15 |
| known 8:19 | 27:18 42:11 50:21,25 51:12 | 44:22,23 45:5,8,10,22 46:4 |
| Koos 7:24 | manner 25:6 | 46:10,18,22 47:15,24 48:2,5 |
| <hr/> | | 48:7 50:19 52:7,9,18 53:5 |
| L | Mansour 1:2 2:4,14 3:13 | motivating 12:5 |
| | 15:23 17:21 18:6,13 19:1,17 | move 19:15 |
| | 19:23 20:11,24 21:12,17,24 | Moving 16:4 17:6 24:14 |
| | 22:1,17 24:8,15,16,19,21 | |

| | | |
|---|---|--|
| Muslim 23:2,5 40:8 Muslims 25:25 | operations 9:8 39:24 49:11 50:5 option 19:14 orientation 10:12 11:10 origin 24:6 other's 22:13,15 OTTINGER 2:3 outcome 19:10 32:13,16,17 32:22 47:21,23 50:9 55:17 overflow 51:4 overseeing 12:7 | 37:18 policy 11:6 37:14 poor 14:7 portion 10:18 position 7:23,25 8:2,4 possible 13:16 postcard 38:3 preliminary 3:25 premise 35:15 prepare 5:11,13 presence 26:8 27:5 41:1 present 2:13 52:24 president 9:7 presumption 34:19 35:3,5 previous 7:23 previously 8:8 price 37:15,18,20,23 print 37:19 prior 7:22 22:1 34:14 36:1 42:17 43:18 52:15 55:5 privilege 5:3,21 privileged 6:3 privy 19:6 33:19 Probable 8:20 probably 41:15 46:19 52:17 probe 28:4 problem 27:3 28:6 35:14 problems 42:17,21,22 procedures 13:6,10 40:1 proceedings 45:7 process 10:12 product 6:5,6 50:22 51:2 prohibiting 11:6 propriety 27:1 Public 1:18 3:3 30:3 55:3 pull 32:4 purpose 13:22 put 51:19 52:4,19 putting 34:19 |
| N N 2:1 3:1 name 3:7,12 10:22 14:18 15:16 49:13 named 15:9 17:14 30:12 38:10,13 national 24:5 nature 22:10 need 37:7,21 needed 46:5 Neil 15:16,20,21 Neil's 15:17 neither 55:12,14 never 27:3,15,16,20,23,23 28:2,5,6 new 1:1,17,19 2:5,5,9 3:3,10 19:15 55:4 newspaper 38:3 nigger 41:1 ninety 22:7,7 non 16:14 42:14,23 Notary 1:18 3:3 30:3 55:3 note 5:20 48:21 noted 35:21 42:22 November 1:9 55:19 nudged 45:11 numbers 42:10 45:2 50:20 | P P 2:1,1 P.C 1:16 2:3,7 page 29:24 30:8 49:22 54:2,7 Palestine 24:11 paperwork 32:4 par 42:10 50:20 paragraph 30:9 36:18 Paramus 21:2,4 Park 2:4 Pascarella 10:23 pass 28:23 29:7 passing 48:19 payment 31:8,9 payments 31:12,13 pending 5:1 people 4:15 34:3 45:11 percent 16:3 percentage 51:1 performance 42:16,21,22 43:13 50:19 51:18 52:10 performing 42:15,23 period 10:15,16 41:18 43:11 44:4 person 43:22 44:18 50:1 personal 21:23 22:5 40:22 phone 38:2 phonetic 10:23 49:1 physically 20:2 place 55:10 Plaintiff 1:15 2:3 PLAINTIFF(s) 1:3 plan 52:6,20,21 plans 12:7 51:19 52:2 please 3:7 4:20 26:13 35:3 pocketed 32:18 policies 10:17 11:2,13 16:13 | Q question 4:14,18,20 5:1 6:8 11:4,25 14:7 18:2,4 19:20 19:25 20:17,22 24:7,17 26:12,13,14,16,17 34:13,18 35:2,4,7,15 36:7 40:16 46:24 49:6,21 51:8 questions 4:12 6:22 7:2 28:24 35:18 50:12,13 51:6 53:1,7 |
| O O 3:1,1 55:1 oath 4:4 object 17:23 19:25 35:18 objection 5:20 19:19 20:16 35:12,20 46:23 occurred 52:16 off-the-record 48:11 offered 10:9 offers 37:15 offhand 47:14 office 26:22 45:17 offices 1:16 okay 3:19,20 4:16,21 5:4 9:11 12:2 29:25 40:18 once 16:25 open 22:12 opening 12:8 39:25 | | |

| | | |
|--------------------------------------|--------------------------------------|--------------------------------------|
| quite 22:22 | 40:22 | 16:18 19:17,22 20:8,11,25 |
| quotas 51:11,14,16,22 | relative 55:13 | 21:8,11,13,15,21 22:2,5 |
| quote 50:18,20 | relevance 17:24 | 27:18 31:16,17 38:20 39:17 |
| <hr/> | | |
| R | religion 23:6,7,14 24:15,16 | 39:25 41:14 42:11 45:11,23 |
| R 2:1 3:1,1,1 55:1,1 | religious 22:23 23:22 24:19 | 50:21,25 51:12,16,20 53:5 |
| Ra 45:2,2,3 | 26:5 40:4,12 | salesman 21:1,3 41:19 43:25 |
| raise 35:16 | remarks 26:4 | salespeople 12:7 |
| raised 34:14 35:25 | remember 10:19,21,24 15:7 | salesperson 12:12 |
| RAMON 2:4 | 15:11,17,22,25 18:10,19 | Salvatore 1:15 3:8 28:19 54:8 |
| Ramona 38:10 | 19:2,18,22 20:14,24 21:6 | sanity 4:13 |
| rapport 22:8 | 28:9,12 33:3 38:21 43:8,24 | sat 52:8 |
| reach 13:20 45:25 46:6 48:4 | 47:12 49:4 52:13,15 | says 31:1 34:24 |
| 48:7 | rephrase 4:21 30:22 34:13,18 | school 6:14,16 |
| reaching 13:22 | report 11:16 18:25 19:4 | Sciarrino 1:15 3:8,12,21 5:22 |
| read 26:16,18 | 47:15 | 6:20 18:1 20:7 28:17,19,20 |
| reads 30:9 | Reporter 4:2,11 18:21 26:16 | 28:23 29:8,8 30:15 35:14,24 |
| ready 29:10,11 48:22 | 26:18 28:22 48:18 | 37:7 47:1 48:14,16,19,20,23 |
| really 14:25 22:21 37:9 | reporting 12:6 | 50:18 51:11 53:8 54:6,8 |
| reason 7:1 | represent 3:13 | Scott 8:16,19,21,23 9:12 |
| recall 14:17 15:5 25:13 26:24 | represented 5:7 | Scott's 9:6,19 |
| 30:20 43:21 | required 50:21 | Seaman's 8:22,23,25 9:2,6 |
| receipt 31:23 | respond 16:7 | Secaucus 3:15 |
| receive 10:17 11:2,12,15 16:9 | response 18:14 32:1 45:24 | second 13:15 30:9 49:22 |
| 21:8 | 46:10 49:15 | section 11:8 |
| receiving 49:4 | responsibilities 11:25 21:18 | see 12:15 18:16 47:21 |
| recognize 48:22 | responsibility 21:17 | seen 29:13 |
| recollection 30:24 31:13 | responsible 14:4,6 16:19 | sell 50:22 |
| 41:15 | rest 42:11 | selling 14:22 |
| recommend 39:14 | retaliated 14:10 | send 45:25 |
| recommendation 39:1,2 | return 25:1 | senior 21:15,21 |
| recommendations 23:25 24:3 | review 5:19 48:21 | sent 46:17 |
| recommended 39:13 | reviewing 29:9 | separate 7:12 21:8,9 |
| record 3:7 17:25 32:3 48:10 | right 25:2 34:1 35:17,22 | separated 28:9 |
| recruited 9:16,21 | 36:15 38:22 | separation 13:16 28:13 47:25 |
| reduced 52:2 | role 8:25 9:6,12,19 11:19 | set 55:10,18 |
| refer 3:18 24:21 25:4,14 | 12:3,5 17:3,10 19:7 22:2 | setting 4:7 |
| reference 23:18 | 38:15 39:15,17 | settings 22:18 |
| referenced 49:18,23 | room 45:13,16 | SHOPPES 1:14 2:8 |
| referencing 15:23 | roughly 9:4 12:20,21 46:12 | short 13:6 |
| referred-to 26:17 | 46:13 | showed 6:1 |
| referring 8:15 20:19 23:10 | <hr/> | showroom 26:11 |
| refresh 30:23 | S | sick 6:24 |
| regard 50:19 | s 2:1 3:1,1 | side 34:5 |
| regarding 41:10 42:2 | sake 3:17 4:12 11:23 | signature 30:1 |
| related 55:14 | sale 12:15 31:5,7 38:4 39:19 | signed 30:3 31:23 |
| relates 5:21 | 51:1,3 | significance 21:20 |
| relationship 21:23 22:6,11,12 | sales 7:24 8:3 9:1 10:6 11:20 | similar 40:19 |
| 24:25 33:24,25 34:15 36:2 | 12:4,6,14,16 13:17 14:3,12 | simultaneously 20:12 |
| | 14:13,20,23 15:8,12,18 16:1 | sitting 45:5,6 |

six 21:2
sixty 22:7
slightly 4:6
social 22:18
Song 19:14
soon 22:4 52:15
sorry 11:3 29:16 36:6
sorts 25:12 27:1
South 2:4
speak 6:9 23:7 26:25 36:23
 45:19
speaking 23:21 35:12
specialist 51:2
specific 33:14 39:15 46:14
specifically 18:11 23:11
 26:20 39:9 41:25 43:2
specify 12:1
spoke 22:13,15 23:4,5 27:19
 39:16
spoken 47:5
star 51:21,24
started 14:14,15 20:15,18,20
 20:23,24 22:4 38:20 52:18
state 1:19 3:3,7 55:4
statements 30:6
STATES 1:1
stay 19:14
steal 34:4
stenographically 55:9
steps 51:17
STEVEN 2:10
Sticking 16:24
store 1:6 3:16 8:11,12 12:8
 19:15,15 26:10 30:11 49:12
story 34:6
Street 1:17 2:9 3:10
stuff 33:20
submit 38:5
subsequent 32:10 47:3,25
substance 23:16
suggest 25:17
supervise 12:16,19
supervision 14:8 16:5
supervisor 21:12
supervisory 21:16
sure 16:3 37:11
suspicions 16:23
swearing 30:5
sworn 3:2 4:2 55:6

| T |
|--|
| T 3:1 55:1,1 |
| take 4:11,23,25 13:18 16:8 29:8 32:5 37:7,10 40:2 48:21 51:4,17 |
| taken 1:15 55:9 |
| takes 12:12 |
| Taliban 25:15 |
| talk 5:2 |
| talking 4:15 29:17 38:17 |
| talks 12:13 |
| team 12:5 |
| telephone 44:19 47:2,8 |
| tell 5:23 12:3 28:1 29:14 31:21 43:16 45:21 46:8 |
| terminate 28:25 33:25 |
| terminated 30:19,25 33:23 |
| termination 13:7 29:5 |
| terms 14:6 |
| terrorist 24:22 25:5 26:4 |
| testified 3:4 19:16 20:6 34:8 44:21 50:18 |
| testifying 34:22 35:11 |
| testimony 4:4 55:8 |
| thank 53:8 |
| theft 16:20,21,25 28:15 29:4 33:13 |
| thing 4:24 |
| things 27:19 |
| think 6:2 7:1 10:20 20:6 30:22 34:21 35:10,11 |
| thinks 34:17 |
| thirty 12:21 |
| thought 39:3 |
| three 13:12 14:21 41:15,17 44:1 52:17 |
| three-week 44:4 |
| time 1:10 7:7 10:1 14:21 20:3 20:5,8,11 29:9 30:14 34:10 35:24 36:1,24 38:22 43:9 46:12,15,17,22 47:12 48:24 51:3,3 55:10 |
| times 22:22 |
| title 9:24 10:2,24 |
| today 4:4 5:7,11 6:21,24 |
| today's 5:12,14 6:10 |
| told 5:23,24 24:13 33:1 40:10 |
| top 21:7 |

TOs 12:7 39:25 43:14
touch 33:21
trained 11:9
training 10:15,16,17,21 11:1
 11:12,15 16:9,12 21:9,10
 39:21,23 40:2
transcribe 4:15
transcript 55:8
tried 48:4,7
true 14:1 55:8
truth 30:5
truthfully 6:22 7:3
try 37:2,4
trying 31:8 52:9
turn 29:24 30:8 31:12 32:7
turning 26:1
turnover 12:10,11
twelve 8:20
two 8:1 9:5 14:20 20:8 44:1,3
 45:1 52:14
two-sided 48:22
two-week 10:15 16:12
type 13:21 16:21
typically 50:3,4

| U |
|--|
| ultimately 39:19 |
| understand 4:1,19 5:6 11:3 20:18,21 24:7,17 36:6 |
| understood 4:19 |
| UNITED 1:1 |
| upper 8:9,13 16:16 39:7 41:24 42:24 |
| ups 51:4 |
| upset 25:20 |
| use 41:1 |
| useful 11:22 |

| V |
|---|
| V 3:1 |
| Vallas 2:5 3:6,13 6:2,7 18:21 20:4 26:15 28:16 29:18 34:21 35:8,20 38:19 47:1 48:9,13 50:11 51:7,10 53:1 53:8 54:3 |
| verbal 13:14,18 14:1 52:21 |
| verbals 52:4 |
| vice 9:7 |
| Victor 15:10,14,15 |

| | | |
|--|---|----------|
| Victor's 15:11 | Yousef's 30:12 36:13 Yousefs 31:2,4,9 33:6,9 | 6 |
| W | Z | 7 |
| W 49:10 wait 45:13 wake 45:12 walks 40:1 43:14 want 5:2,9 9:10 25:1 44:16 wanted 31:5 44:5,6 warn 27:4 wasn't 19:4 Wayne 49:14 We'll 6:7 week 51:17 52:19 weekly 51:14,22 weeks 40:3 41:16 44:2 52:17 went 9:18 22:16,16 45:2,17 West 1:17 2:9 whatnot 52:5 WHEREOF 55:18 Wing 1:17 2:9 wiseguy 25:9 withdraw 6:8 10:1 witness 1:14 3:2 23:20 24:2 29:7 35:11 37:12 40:18 53:11 55:6,18 witnessed 26:20 word 41:1,3 work 6:5,6 8:7,17 9:2,16 23:19 28:7 47:15 worked 8:8,9,14,22 working 10:11 20:25 21:13 22:4 43:10 workplace 11:7 14:10 works 37:17 wouldn't 15:3 Wright 30:10 31:6,7 writing 52:3 written 13:15 | 72nd 3:10 8 9 | |
| X | 0 | |
| X 1:2,8 | 1 | |
| Y | 2 | |
| Yeah 51:19 year 21:6 36:7 years 8:1,20 9:2,5 York 2:5,5 3:11 Yousef 30:12 | 3 401 2:4 48 54:9 | |
| | 5 | |
| | 5/1 6:13 50 54:4 51 54:3 53 54:4 | |